

Naples City Council

January 24, 2013

Minutes

The regularly scheduled meeting of the Naples City Council was held January 24, 2013, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Dennis Long, Dan Olsen, and Kenneth Reynolds. Gordon Kitchen was absent.

COUNCIL MEMBERS ATTENDING

Others attending were Derek Hopper, Dale Harrison, Cresta Slaugh, Ryan Cook, Jim Harper, Mark Watkins, Chris Hoem, Connie Patton, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Kenneth Reynolds offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Dennis Long **moved** to approve the agenda. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of January 10, 2013. Robert Hall **moved** to approve the minutes as presented. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. Councilman Long wanted to know if Nikki learned anything from Utah Retirement Systems about Officer Tatangelo and Chris Hoem working for the road department. Nikki said the City would not be required to pay retirement on the wages that Joe Tatangelo would make working extra hours for the road department because he is in public safety. Nikki stated she did not ask about Chris at the time she spoke with them.

FOLLOWUP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$22,349.88 and asked for approval to pay them. Robert Hall **moved** to accept the expenditures. Dan Olsen **seconded** the motion. The motion passed with the following roll call

APPROVAL OF THE BILLS

vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Chris Hoem presented the final plan approval for Codale Electric Supply. Chris stated the business would be located in Winder Subdivision and the plan has been before the Planning Commission and they have recommended approval. Chris pointed out that the water retention area would be on the southeast side. Chris said the building will be on the corner of 500 South but facing 1070 East (Charles Lindbergh Drive). Chris said the business is not using stone and stucco but will have masonry on all four sides of the building and should meet the City's requirements. Chris said they have covered all of their requirements for landscaping, drainage, and parking. Councilman Long asked if this would be a wholesale business. Chris said they will have a warehouse area but also a retail area for customers. Councilman Reynolds said the company has complied with everything the Planning Commission has asked and he **moved** to approve final plan approval for Codale Electric. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***FINAL PLAN APPROVAL
FOR CODALE ELECTRIC***

Derek Hopper with the Vernal Express came before the Council to discuss advertising in the upcoming Progress section of the paper. He said the Progress section comes out in both the Vernal Express and the Uintah Basin Standard. He pointed out the ad Duchesne City ran last year. He said the ad comes out in both papers and they would also provide additional copies for the City to use as handouts. He said the ads are a way to promote or showcase Naples City and what they have to offer, they are a way to educate the readers of improvements or goals of the City. Mr. Hopper said there is an investment involved and as he was presenting the idea to Craig Blunt he learned the City doesn't have a budget for this type of advertising and was told it would need to be presented to the Council. Mr. Hopper said the full page ad he showed them would cost about \$1,200 and the paper could help with the pictures and the write up. Councilman Long wanted to know what the \$1,200 would get the City. Mr. Hopper said the ad comes out once

***VERNAL EXPRESS
ADVERTISING CAMPAIGN***

a year and 11,000 copies would be circulated to paid subscribers and they would print additional copies for the City to send out as a promotional handout. Mayor Baker said this is not something they have built into the budget and wanted to know when the deadline is. Mr. Hopper said they would need the information by February 8, 2013. Councilman Hall said the Council is not opposed to the principal but it might need to be something they consider for a future meeting. Mr. Hopper said they would have no problem working with the City if they want to participate in February's ad and pay for it out of next year's budget. Councilman Hall thought it was a good idea but it should be part of next year's budget. Councilman Olsen said it's not in the budget and they really can't encumber next year's budget. Mayor Baker thanked Mr. Hopper for coming and said they would definitely consider it for next year.

Chris Hoem reported the Planning Commission held a public hearing to discuss Chapter 02-31 of the Land Use Ordinance. He said after the public hearing they made three changes to the Chapter. Chris said the first change they made was to add ditches and irrigation lines to the definition of utilities and also to the requirements for the preliminary and final plats. Councilman Olsen asked Chris who the City Licensed Engineer is as referred to in this chapter. Chris said the City contracts out to different Engineers. Councilman Long wanted to know if that meant when the City uses them they are the "City Engineer." Chris said when something is being calculated for a plat the City will use an engineer to double check the plat so they know the engineering is done correctly. Councilman Olsen wanted to know if they could rephrase it to read "an engineer representing the City or a contracted engineer" so it doesn't sound as if the City has a designated engineer.

Chris said the second change was the removal of the requirement for a surveyor to represent the City to check a plat. Chris said if a surveyor draws up a plat for a client to build or develop in the City, that surveyor needs to do their job correctly and they should be held accountable and the City shouldn't be liable if a mistake is made.

Chris said the third change was getting rid of the requirement for owner dedication of the street area in a minor subdivision. Chris said if someone does a single lot split or if they develop along an existing street they won't deed the land over to the City. Chris said he recommends

***REVISE LAND USE
ORDINANCE CHAPTER 02-
31 - ORDINANCE 13-151***

they talk to the County Surveyor and find out what is prescribed as an easement on all the existing roads and then take that information and put it in an Ordinance so it states everything that has been prescribed historically as an easement to alleviate any problems with property owners. Mayor Baker said he spoke with Dennis Judd about this matter and told him he doesn't have any problem dedicating the street with new subdivisions but couldn't see doing it for a single lot split. Mayor Baker said they could hold public hearings and do it on all existing roads and state the City is going to take those easements and go through that process. Councilman Olsen said it might be an issue in High Country with all the buried culverts and frontage issues. He wasn't sure the City wanted to take it on. Chris said if they do the prescribed easements they might be able to avoid dedications. Dale Harrison said he still isn't clear on the deeded right-of-way for roads. Chris said for minor subdivisions and single lot splits, which are on existing roads, most of the lots the property lines already go to the center line so instead of messing with them they will just use the prescribed easement but they need to make that more official. Chris explained for new subdivisions the roads will be deeded to the City. Mayor Baker said they need to put together something that states what the prescribed easements are and establishes that. Councilman Olsen wanted to know if those would be on the plats. Mayor Baker said the surveyor needs to show the property corner on the right of way line and where the fence lines run. With no more discussion, Robert Hall **moved** to approve Ordinance 13-151 with the amendments discussed. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Absent
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Councilman Olsen related a story from when he was young about plowing a field and remembers, when it didn't turn out quite right, his father told him you can either fix it or live with it. Councilman Olsen stated there are times when you have to ask if you are really getting what you want. He wondered if the decision they made at the last Council meeting regarding the appointments to the Planning Commission was really getting them what they want. He said he heard from several members of the Planning Commission after the

***REVISIT 2013 PLANNING
C O M M I S S I O N
APPOINTMENTS***

decision was made to rotate out members of the Board and was told they were offended and some wanted to resign from the Board after it was decided by the Council not to reappoint Jim Richards to the Planning Commission. Councilman Olsen said there is a lot of resentment coming from the Council micro managing the Planning Commission. Councilman Olsen said he has thought about it a lot and thinks the only way to fix it is to go back and revisit the matter and he would **move** that they reverse the decision totally. If the Mayor wants to remove somebody, he can remove them, but they are setting up a pattern of losing people off the commission if they rotate them out as was discussed. He said he doesn't want any of the Planning Commission to get mad and resign and they would be losing very good people if they did. He said the efforts of the Planning Commission and what they do for the City is a valuable position that they can't fill as a Council. Councilman Olsen said it would be his motion to not support the Mayor's change in the appointment's for the Planning Commission. Councilman Long said one of their concerns was not having the alternate members heavily involved and they would thereby lose them. He wanted to know if they could get them more involved. Cresta Slaugh wanted to know what he meant by not involved. Councilman Long said his understanding was they were not at the desk and just sat in the audience. Cresta Slaugh "no, they're not." Councilman Long asked Cresta and Dale Harrison to help him understand what happens. Dale Harrison said they encourage every single member of the Planning Commission to attend every training and every meeting. He said they all sit on the stand, they are asked to participate, they are asked to voice their concerns and their opinions. He said they are not asked to vote unless they don't have a full quorum. Dale said the problem is it's hard for every member to be there every meeting but if they start to take people off and move the alternates up they will have times when they won't have any Commission members. Dale said he doesn't like the idea of being told when he has to be gone. He feels like he has put a lot of time and effort into the City. Dale said he wanted to stand up for Jim and they would like to have a say in when it's time to step down. Dale said he has never told anyone they can't participate in a meeting, alternate or not. Councilman Long wanted to know how long the members have been in because, for a time, they were losing a lot of people. Dale said that did happen for a while but they have a great crew right now. He said everyone tries to come and they are allowed to voice their concerns and he is pleased with the

wide variety of people they have. He said it was hard to lose Lloyd Barton because he gave the developer's side to many discussions. He said it has been so good to have the different viewpoints of the members they have right now and he feels like they need that broad spectrum to help the City function. He thought if the Council chose to limit terms they would start to lose their people. Cresta Slaugh said they about lost some of their people last Tuesday. Councilman Hall said he has been thinking about this a lot also and said they didn't give a lot of thought to the intent. Councilman Hall said they have to take responsibility for that and he also was sorry that things did not get communicated effectively. Councilman Hall said he was going to side with Councilman Olsen and he feels they need to revisit the whole thing. Councilman Hall said they do take ownership of the fact that it probably wasn't thought through. Dale Harrison said he doesn't want any alternate to think they aren't being used, because they are. He said he loves to hear the different ideas. Mr. Harrison said he admits that there is work to be done in the Planning Commission, it is a learning process but each day he learns he hopes it is for the betterment of the City. Councilman Long said the purpose was just to try and keep the alternates involved and it seems to have domino-ed elsewhere. Councilman Reynolds said the longer a person sits on the Board the better they get because they gain knowledge and that's better for the City. Councilman Olsen said it didn't accomplish what they thought it was going to. Councilman Hall said he was glad that Dale was letting them know their feelings about this matter. Mr. Harrison said they have a good diversity of people and they've not always done things perfectly but he feels like they need that "seniority" to help them understand where they are trying to be. Cresta Slaugh stated that if there was a problem it needed to be addressed in the Planning Commission before a decision was made in Council so they had an opportunity to discuss how they could make things better. Councilman Reynolds and Councilman Long said they both agreed, it should have been brought before the Planning Commission first. Councilman Long said he does realize that they are the gatekeepers and the work they do saves the City a lot and when matters come before the Council most of the work has been done. Councilman Long said it was never their intent to cause problems. Councilman Reynolds asked Councilman Olsen what his motion was. Councilman Olsen started to say his motion was to reverse their action when Mayor Baker interrupted and said he was not going to entertain a motion on this. He said it was good for discussion but he thought there needed to be

more discussion. Councilman Reynolds asked him to keep discussing it. Mayor Baker said he was not going to entertain a motion on this subject. Councilman Reynolds asked if he could do that. Mayor Baker stated he could unless they wanted to kick him off and they could elect a Mayor pro tem. Councilman Reynolds said he didn't want to do that and he didn't want a battle, he just wanted to know how it worked. He thought if you had a motion and a second that you went forward with it. Councilman Reynolds wanted to know when the Mayor wanted to discuss it. Mayor Baker said they could do it tonight if they wanted to add it to the closed session or they could discuss it after the meeting. Councilman Reynolds said they can put it on the next agenda he just wanted to be able to discuss it. Mayor Baker said any of them could meet with him at any time to discuss it if they wanted. Councilman Long wanted to know where that left the Planning Commission. Mayor Baker stated "it leaves it as it is." Councilman Long said they have achieved nothing then and it has left a rift in the Planning and Zoning and that was not the purpose of bringing it up. Mayor Baker said it wasn't. Councilman Olsen said this wasn't really an issue for a closed session. Mayor Baker said he would be glad to visit with any of them after City Council or at any time. Councilman Reynolds asked the Mayor to just tell them what the problems are. Dale Harrison wanted to know if he could ask one thing. Mr. Harrison wanted to know if Jim was dismissed as a member of the Commission. Mayor Baker said the "Mayor" appoints annually members to the Planning and Zoning. Mayor Baker said the discussion was, because Jim was the longest standing member, they would release him from the Planning and Zoning and move up the next alternate member in line. Cresta Slaugh wanted to know if that was before or after the vote because they didn't vote last week because they didn't have enough members. Mayor Baker said that was before their vote, he said the decision was made before their meeting. Ms. Slaugh wanted to know why they weren't informed. Councilman Hall said he feels like that was one of the mistakes that was made. Ms. Slaugh wanted to know why the Mayor wasn't there to inform them. Mayor Baker stated he thought they should move on. Ms. Slaugh wanted to know if her question deserved to be answered and Mayor Baker said it did, but not at this time. Mayor Baker moved to the next item on the agenda.

Mayor Baker said the discussion for comp time hours for holiday would mostly affect the road department but has the potential to affect all City employees. Mayor Baker said the

***DISCUSS CHANGES TO
CITY POLICY AND
PROCEDURES - COMP***

current policy doesn't pay overtime but allows comp time to be accrued at time and half for overtime worked. Chief Watkins wanted to know if this applied to the police department. Mayor Baker said the police have an overtime budget that they pay their officers out of, he said this discussion would be mostly for the road department and hourly employees. Mayor Baker said the policy says if you accumulate comp time hours, the hours would need to be used within the next pay period. Nikki Kay said you can't tell them when they have to take it. Councilman Long referred to the place in the policy where it stated the road department can have overtime. Nikki said the Council set policy that the people not engage in public safety activities would accrue comp time. Councilman Long pointed out that there is a conflict in the policy. Mayor Baker said that is why they are discussing it so they can get some clarification on this. Mayor Baker wanted to know if the City could pay overtime. Nikki said as long as they have a budget for it. Mayor Baker said they could open and amend the budget to allow for that. Craig said the department heads are encouraged to manage the comp time hours so there is not a huge accumulation of hours. Mayor Baker wanted to know if the hourly employees would like the overtime or if they would like a mix of accumulating comp time and payment for overtime. Ryan Cook said he would like the mix. He would like to see them keep the policy to accumulate comp hours but build funds into the budget to pay out for overtime. Council members wanted time to review the current policy to see what revisions needed to be made and to discuss a change in the budget to allow for paid overtime. Dennis Long **moved** to set a public hearing to open and amend the budget at the next city council meeting. Robert Hall **seconded** the motion. The motion passed with all voting aye.

TIME FOR HOLIDAYS

Jim Harper asked for Council approval to send Ryan Cook and Szeth Simmons to Richfield for a training class sponsored by the Utah Weed Control Association. Jim stated the Richfield location was the closest class and would count toward their herbicide certification hours. An amount was not listed for motel accommodations so Robert Hall **moved** to approve up to \$500 for the travel and training. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

TRAVEL APPROVAL

Gordon Kitchen	Absent
Kenneth Reynolds	Aye
Dennis Long	Aye

Dan Olsen	Aye
Robert Hall	Aye

Jim Harper asked the Council for approval to attend one of the ERM classes sponsored by Utah Local Governments Trust. Jim reported that Craig completed the certification last year and challenged Jim to complete it this year. The amount requested for travel was \$157.31. Kenneth Reynolds **moved** to approve the request. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Absent
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Animal Control SSD - Councilman Olsen reported the Animal Shelter will be expanding and building a new facility adjacent to the one they have. He said they will be working with the different attorney's in the coming weeks to get the uniform animal control ordinance finalized and bring that to a conclusion.

***SPECIAL SERVICE
DISTRICT AND
DEPARTMENT HEAD
UPDATES***

Fire Suppression SSD - Councilman Hall stated the Naples Fire Station is on the list for remodeling but it will depend on the mineral lease payments and the cap set by the County. Councilman Hall said they are hopeful.

Councilman Hall asked Craig about the fire inspections already completed in Naples City and if that was working okay. Craig said he has been very pleased and the inspector has been very good to work with.

Mayor Baker and Craig Blunt praised the fire department, road department, and police department for their recent efforts in the fire at Basin Propane.

Health Services SSD - Councilman Hall said they are on track with the expansion of the Care Center and the ground breaking will be held in the Spring. Councilman Hall said they will increase the total number of beds and will also be adding an activity room.

Impact Mitigation SSD - Councilman Long said the Impact Mitigation Board met with the two colleges and they reported on the amount of loans given for students. Councilman Long

said they met with several students that expressed their appreciation and stated how grateful they were to receive this help. Councilman Long said both Deans commented on how good it was to have the money to help these students.

City Manager - Craig Blunt wanted the Council to know that Utah Local Governments Trust has issued a challenge to the elected officials to obtain their excellence in risk management certification. Craig told the Council that the new program this year from ULGT is focusing on department heads and employees. Craig commended the police, fire, and road department for their response to the fire at Basin Propane. Craig also reported on his attendance at the Governor's Energy Summit.

Police Chief - Chief Watkins wanted the Council to be aware there has been talk to move to a full time drug task force which would mean the City might have to dedicate one officer for twenty hours a week to the force. He said they are still in discussions about this. Chief Watkins stated the crime statistics show that crime is up 12 percent from last year. He said all the calls are the same except for a marked increase in disturbance calls. He believes that might be due to the motel and increased number of residents. Chief Watkins said he is still working with Dennis Judd on the dispatch contract and trying to decide which would be the best course of action. Chief Watkins said the price the City pays shouldn't be dictated by what happens in another entity. Chief Watkins touched on school safety and said this spring they will hold an active shooter training. Chief Watkins said they have been working with the principal at Naples Elementary and his officers have been trying to eat lunch at the school with the students. Chief Watkins also said the case with Steve Guibord has been dealt with in a positive way and is over with. He felt very good about the outcome.

City Planner - Chris Hoem said he has been working with the other planners on the transportation plan and will continue until it is complete. Chris wanted the Council to know that he wants to apply to take the test to become certified with the American Institute of Certified Planners. Councilman Reynolds asked about the sign ordinance. Chris said he will be bringing that before the Council at a future meeting.

Road Department - Jim Harper said they have been working a lot on winter road maintenance and they also work

just as hard to make sure their equipment is inspected and maintained. Jim said they received their new pickup and it is set up with a dump bed. Jim said they are also looking to get new two-way radios in their trucks so they can communicate with the police department. Jim said he budgeted for two new pickups this year and wanted to know if he could start looking for another pickup. Council members said he could look into the prices and bring those back to the Council. Jim also reported on the utility meeting he attended that Rocky Mountain Power sponsored. He said they discussed some strategies for problems they have run into. Jim said the utility companies said they would really like to have a year's notice for any major road or subdivision construction. Jim stated that Rocky Mountain Power can be finished with their portion of a project much quicker than Strata can because Strata uses that opportunity to replace their old lines. Jim said they referred to the 2500 South project quite often as an example of how the construction process should be done. Jim wanted the Council to know that the canal on 2500 South is freezing and the water usually stays on the bottom but with the cold temperatures it is pushing the water to the top. Jim said the irrigation company is trying to keep on top of it but Jim wanted the Council to let him know if they see a problem. Jim said they do have some sand bags available if needed.

Robert Hall **moved** to go into a closed session to discuss possible litigation and property acquisition. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Absent
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Those present in the closed session were Mayor Baker, Robert Hall, Dan Olsen, Dennis Long, Kenneth Reynolds, Craig Blunt, Nikki Kay, and Chris Hoem.

Dennis Long **moved** to go out of closed session. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Councilman Reynolds wanted to know when they could discuss the appointments to the Planning Commission, he didn't want it to hang in limbo and thought it needed to be

CLOSED SESSION

OTHER MATTERS

settled so it doesn't drag on forever. Mayor Baker said if they wanted to discuss it they could put it on a future agenda.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 10:00 p.m. Kenneth Reynolds seconded the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 14th DAY OF FEBRUARY 2013

BY: _____

ATTEST: _____